

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:05-cr-00393-FDW-DCK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
FRANK BRYANT BROWN,)
)
Defendants,)
)
and)
)
LAW OFFICE OF ROBERT FORQUER,) ORDER
PLLC,)
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Garnishee.)
)

This matter is before the Court on the filing by Defendant F. Bryant Brown entitled “Claim for Exemption Form, Major Exemptions Under Federal Law (18 U.S.C. § 3613).” (Doc No. 29.) In this pro se filing, Defendant seeks to claim certain exemptions from execution of a judgment by the Government, and he also requests a hearing with the Court to decide the validity of his claims. (Doc. No. 29). The Government responded in opposition, asserting that a hearing is not necessary. (Doc. No. 30). For the reasons that follow, the Court DENIES Defendant’s request for a hearing (Doc. No. 29).

The gravamen of the Government’s argument in opposition rests on the fact the United States is not seeking to garnish any property belonging to Defendant other than wages. (Doc. No. 30, p. 4.) Because the Government only seeks to garnish wages, Defendant’s claimed exemptions are inapplicable. Furthermore, Defendant presents no claimed exemption for his wages, as he fails

to assert any basis for relief or valid legal argument regarding the Government's current garnishing of wages. See United States v. Bird, No. 2:09CR15, 2009 WL 4801374, at *4 (W.D.N.C. Dec. 8, 2009) ("The Defendant has not claimed any exemptions and there is no dispute that the Government complied with the procedural requirements of the statute. The Defendant is therefore not entitled to a hearing."). Accordingly, Defendant's request for a hearing is DENIED.

IT IS THEREFORE ORDERED that Defendant's request for a hearing regarding the claimed exemptions in his pro se filing (Doc. No. 29) is DENIED.

IT IS SO ORDERED.

Signed: April 11, 2018



Frank D. Whitney
Chief United States District Judge

